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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,061	08/30/2001	Aalim Lakhani	CA920000056US1/2178P	8697

7590 12/16/2003

SAWYER LAW GROUP

P.O. Box 51418

Palo Alto, CA 94303

EXAMINER

CHEN, TE Y

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 12/16/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,061

Applicant(s)

LAKHANI ET AL.

Examiner

Susan Y Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

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DETAILED ACTION

Claims 1-25 are presented for examination.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation are requested in correcting any errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, 10 and 15, the citation of the phrase "and/or" renders these claims indefinite, because it is uncertain what is it meant by the word "and/or" [i.e., Does it meant by "and" or "or" or "others"?]

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As to claims 2-8, 11-14 and 16-25, these claims have the same defect as their base claims hence are rejected for the same reason.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikurak (U.S. Patent No. 6,606,744).

As to claim 1, Mikurak discloses an e-commerce system [e.g., Fig. 4] for enabling the purchase of a package of products and services [e.g., Fig(s). 54-55], comprising:

a) a catalog database [e.g. see the modules 5300, 5324 of Fig. 53; Fig. 80; the Application Database of Fig. 121] comprising package data correlated to at least one package [e.g. see col. 178, lines 19-46].

b) a selection module coupled to the catalog database for allowing a customer to select a package for purchase [e.g. see the shopping Cart processing at col. 96 et seq., Fig. 55].

c) a resolution module coupled to the catalog database for resolving unresolved attributes in the selected package [e.g. see the shopping basket function module at col. 97, lines 9 – 21].

As to claim 2, Mikurak further discloses the catalog database comprising item data, product data and attribute data [e.g., see the Item catalog screen processing, col. 97, line 49 – 59].

As to claim 3, Mikurak further discloses the catalog database comprising image data correlated to at least one package [e.g., see the on-line display of purchase list, col. 28, lines 21-23; col. 97, lines 55-56].

As to claims 4-5, Mikurak further discloses the system connected to a global communication network – Internet [e.g., see the network (135), Fig. 1].

As to claims 6-9, Mikurak further discloses the system comprising catalog database, selection module, resolution module, ordering module, and payment module [e.g., see Fig. 4, Fig(s). 20-27].

As to claims 10-15, these claims recite similar features as claims 1-9 in form of e-commerce processing method, hence are rejected for the same reason.

As to claims 17-25, these claims recited similar features as claims 1-15 in form of computer readable product implemented in multimedia signal-baring medium, via modulated carrier signal transmission over a network/internet [e.g., see Abstract, lines 1-12]. Thus, they are rejected for the same reason.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure : Stein et al. (U.S. Patent No 5,459,306) which disclosed a system for delivering individually targeted promotions on demand; Strubbe et al. (U.S. Patent No. 5,469,206) which disclosed a system and method for automatically correlating user preferences with electronic shopping information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-6296.

Susan Chen
Dec. 8, 2003

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